

REMARKS/ARGUMENTS

In view of the foregoing amendments and the following remarks, the applicant respectfully submits that the pending claims are not anticipated under 35 U.S.C. § 102 and are not rendered obvious under 35 U.S.C. § 103. Accordingly, it is believed that this application is in condition for allowance. **If, however, the Examiner believes that there are any unresolved issues, or believes that some or all of the claims are not in condition for allowance, the applicant respectfully requests that the Examiner contact the undersigned to schedule a telephone Examiner Interview before any further actions on the merits.**

The applicant will now address each of the issues raised in the outstanding Office Action. Before doing so, however, the undersigned would like to thank Examiner Gortayo and Primary Examiner Debbie Le for courtesies extended during a telephone interview on June 15, 2007 (referred to as "the telephone interview"). During the telephone interview, the undersigned discussed the use of "performance information" in the claimed invention and contrasted the claimed invention from the Weissman patent (as described below).

Rejections under 35 U.S.C. § 102

Claims 1-9, 11, 13, 15, 16, 18, 20, 22-30, 32, 34, 36, 37, 39 and 41 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,816,857 ("the Weissman patent"). The applicant respectfully requests

that the Examiner reconsider and withdraw this ground of rejection in view of the following.

As amended, independent claims 1 and 22 are not anticipated by the Weissman patent because the Weissman patent does not teach acts of (or means for) (a) accepting search query information including a word; (b) determining one or more words related to the word included in the accepted search query; (c) generating an item request including the word included in the accepted search query, and the one or more words determined to be related to the word included in the accepted search query; (d) retrieving items using the item request, ***each of the items having an associated performance value which is a function of at least one of (A) a selection rate associated with the item and (B) a conversion rate associated with the item;*** (e) ***applying the performance value of each of the retrieved items to a minimum performance threshold to generate a set of filtered items, wherein the performance value of any item retrieved on the basis of the one or more words determined to be related to the word included in the accepted search query is applied to a higher minimum performance threshold than the minimum performance threshold used for the performance value of any item retrieved on the basis of the word included in the accepted search query;*** and (f) sending at least some of the filtered items towards a client device for rendering.

During the telephone interview, the Examiner noted that he was applying the node scoring discussed in Weissman against independent claims 1 and 22. As the undersigned discussed during the telephone interview, Figure 6 of the Weissman patent illustrates how the

semantic space can be used to determine advertisements relevant to a search term. Specifically, the Weissman patent states:

First, a **user enters a search term** (block 610). This search term is then fed to the search engine or filter that differentiates based on semantic relationships (meanings) in a lexicon (block 620). One example of a semantic engine is the meaning-based differentiator described above. **A meaning-based search engine then determines the sub-space in the whole semantic space that encompasses the search term.** The semantic sub-space is determined by first fixing a point in semantic space closest to or at the synset (meaning) that best suits the search term. After fixing this point in the entire semantic space, all elements of the semantic space within a certain radius of semantic distance will comprise the semantic "sub-space" governing the term that was searched (block 630). **Once the semantic sub-space has been determined, then ad banners positioned within the sub-space can be found** (block 640). This assumes that prior to the search banner ads have been indexed into semantic space.

If there are no banner ads within the semantic sub-space (checked at block 645), then the radius of semantic distance can be increased (block 647) or by other means, the semantic sub-space can be expanded upon until banner ads are found. Once banner ads are found within the original or expanded semantic sub-space these ads may be displayed (block 650). **If there is**

more than one banner ad within the semantic sub-space and only one ad is to be displayed then the ad positioned closest in semantic distance (most closely associated) to the search term can be displayed. In an alternate embodiment, if no documents are found within the original semantic sub-space, it may be desirable to retrieve no ads. Also, where the semantic sub-space is expanded, **it may be desirable to terminate the process of expanding the sub-space beyond a certain threshold since the likelihood of a relevant ad may decrease with such an expansion.**

In accordance with the operation of a semantic or meaning based search, the user may be able to select a given meaning from a set of possible meanings (block 660). If the user selects a particular meaning or word context, then the semantic sub-space is redefined (block 670) and new banner ads can be found (block 640). While FIG. 6 and other embodiments refer to advertisements or banner ads, these principles can be applied to retrieval of any documents, images, sounds or other data, and is provided as one example finding documents based on their semantic content or purpose.
[Emphasis added.]

Column 13, line 35 through column 14, line 8.

As can be appreciated from the foregoing, the Weissman patent scores node results, and ranks the results based on the score. The score is partly a function of a probability factor for a meaning (See, e.g., column 9, lines 42-45.), which probability factor might be influenced by a type of match (See, e.g., column

8, lines 15-21.). *However, ranking in the Weissman patent is different from performance thresholding*, let alone performance thresholding where different thresholds, selected depending on whether a retrieved item was retrieved on the basis of a word included in an accepted search query or on the basis of a word related to the word in the accepted search query, can be applied.

The Weissmann patent does not teach an act of (or means for) *applying each of the retrieved items to a performance threshold to generate a set of filtered items, wherein the performance of any items retrieved on the basis of the one or more words determined to be related to the word included in the accepted search query is applied to a higher performance threshold than the performance threshold used for any items retrieved on the basis of the word included in the accepted search query.*

The Examiner contends that column 8, lines 8-46 and column 9, lines 8-67 teach this feature. (See Paper No. 20061122, page 3.) However, as discussed above, *ranking in the Weissman patent is different from performance thresholding*, let alone performance thresholding where different thresholds, selected depending on whether a retrieved item was retrieved on the basis of a word included in an accepted search query or on the basis of a word related to the word in the accepted search query, can be applied.

As described in the specification of the present application, click-through rate, conversion rate, etc. are examples of "*performance information.*" (See page 16, lines 5 and 6.) Further, click-throughs, click-through rate, conversions and conversion rate are expressly

defined in the specification. Specifically, regarding click-throughs and click-through rate, the specification states:

Normally, when a member of the advertising audience (referred to as a "viewer" or "user" in the Specification without loss of generality) selects an ad by clicking on it, embedded hypertext links typically direct the viewer to the advertiser's Website. *This process, wherein the viewer selects an ad, is commonly referred to as a "click-through" ("Click-through" is intended to cover any user selection.). The ratio of the number of click-throughs to the number of impressions of the ad (i.e., the number of times an ad is displayed or otherwise rendered) is commonly referred to as the "click-through rate" or "CTR" of the ad. [Emphasis added.]*

(Page 2, lines 14-21.) Regarding conversions and conversion rate, the specification states:

A "conversion" is said to occur when a user consummates a transaction related to a previously served ad. What constitutes a conversion may vary from case to case and can be determined in a variety of ways. For example, it may be the case that a conversion occurs when a user clicks on an ad, is referred to the advertiser's Web page, and consummates a purchase there before leaving that Web page. Alternatively, a conversion may be defined as a user being shown an ad, and making a purchase on the

advertiser's Web page within a predetermined time (e.g., seven days). In yet another alternative, a conversion may be defined by an advertiser to be any measurable/observable user action such as, for example, downloading a white paper, navigating to at least a given depth of a Website, viewing at least a certain number of Web pages, spending at least a predetermined amount of time on a Website or Web page, etc. Often, if user actions don't indicate a consummated purchase, they may indicate a sales lead, although user actions constituting a conversion are not limited to this. Indeed, many other definitions of what constitutes a conversion are possible. ***The ratio of the number of conversions to the number of impressions of the ad (i.e., the number of times an ad is displayed or otherwise rendered) is commonly referred to as the conversion rate.*** If a conversion is defined to be able to occur within a predetermined time since the serving of an ad, one possible definition of the conversion rate might only consider ads that have been served more than the predetermined time in the past. [Emphasis added.]

Page 2, line 22 through page 3, line 11. The Weissman patent apparently does not consider any such ***performance information***, let alone teach thresholding based on such performance information.

During the telephone interview, Examiner Gortayo and Primary Examiner Le seemed to appreciate that the specific performance information recited in claims 6 and 7 distinguished the claimed invention over Examiner

Gortayo's application of the Weissman patent. Independent claims 1 and 22 have been amended accordingly.

Thus, independent claims 1 and 22 are not anticipated by the Weissman patent for at least the foregoing reasons. Since claims 2-7 and 23-28 depend, either directly or indirectly, from claims 1 and 22, respectively, these claims are similarly not anticipated by the Weissman patent.

Independent claims 8 and 29 have been similarly amended and are similarly not anticipated by the Weissman patent. Since each of claims 9, 11, 13, 15, 16, 18, and 20 depend, either directly or indirectly, from claim 8 and since each of claims 30, 32, 34, 36, 37, 39 and 41 depend, either directly or indirectly, from claim 29, these claims are similarly not anticipated by the Weissman patent.

Rejections under 35 U.S.C. § 103

Claims 10, 12, 14, 17, 19, 21, 31, 33, 35, 38, 40 and 42 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over the Weissman patent. The applicant respectfully requests that the Examiner reconsider and withdraw this ground of rejection in view of the following.

Claims 10 and 17, and 31 and 38 depend, either directly or indirectly, from claims 8 and 29, respectively. In rejecting these claims, the Examiner argues that "decreasing the performance threshold is seen as a design decision given little, if any, patentable

weight." (Paper No. 20061122, pages 10 and 11.) The applicant respectfully disagrees with this conclusion.

The Examiner argues that it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Weissman to decrease the score that is based on the relevance of the initial search term "to allow for the modification of the step to include a way for the semantic score to be decreased to return more relevant banner ads." (Paper No. 20061122, pages 10 and 11.) The applicant respectfully disagrees. First, the semantic score is already based on distance in semantic space, and therefore one skilled in the art would not have been motivated to further modify the score. Further, the claim recites that the performance threshold is determined, not the score.

Thus, claims 10, 17, 31 and 38 are not rendered obvious by the Weissman patent for at least the foregoing reasons. Furthermore, these claims are not rendered obvious by the Weissman patent for at least the reasons discussed above with reference to claims 8 and 29. Since claims 12 and 14 depend from claim 10, since claims 19 and 21 depend from claim 17, since claims 33 and 35 depend from claim 31 and since claims 40 and 42 depend from claim 38, these claims are similarly not rendered obvious by the Weissman patent.

Conclusion

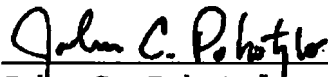
In view of the foregoing amendments and remarks, the applicant respectfully submits that the pending claims are in condition for allowance. Accordingly, the

applicant requests that the Examiner pass this application to issue.

Any arguments made in this amendment pertain **only** to the specific aspects of the invention **claimed**. Any claim amendments or cancellations, and any arguments, are made **without prejudice to, or disclaimer of**, the applicant's right to seek patent protection of any unclaimed (e.g., narrower, broader, different) subject matter, such as by way of a continuation or divisional patent application for example.

Respectfully submitted,

August 6, 2007



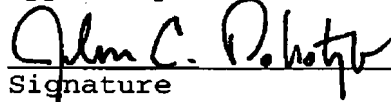
John C. Pokotylo, Attorney
Reg. No. 36,242
Tel.: (732) 542-9070

CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this paper (and any accompanying paper(s)) is being facsimile transmitted to the United States Patent Office on the date shown below.

John C. Pokotylo

Type or print name of person signing certification



Signature

August 6, 2007
Date